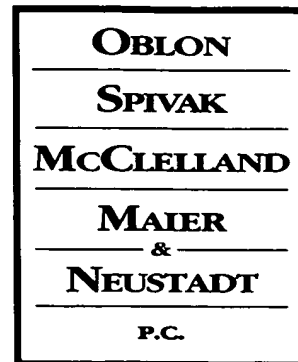


Docket No.: 246924US3 DIV

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/753,338
Applicant: Morimichi WATANABE
RCE Filed: May 27, 2005
For: SIDING BOARD FOR CLAPBOARD
BOARDING AND A CLAPBOARD
BOARDING STRUCTURE
Group Art Unit: 3635
Examiner: SLACK, N.



ATTORNEYS AT LAW

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SIR:

Attached hereto for filing are the following papers:

PETITION UNDER 37 C.F.R. § 1.181(a)
Copy of Filing Receipt date-stamped 5/27/05
Copy of Request for Continued Examination (RCE) Transmittal filed on 5/27/05
Copy of Request for Extension of Time (1 Month) filed on 5/27/05
Copy of Amendment filed on 5/27/05

Our check in the amount of \$0 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

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DOCKET NO: 246924US3 DIV

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

RE APPLICATION OF:

Morimichi WATANABE

:

: EXAMINER: SLACK, N.

SERIAL NO: 10/753,338

:

RCE FILED: May 27, 2005

: GROUP ART UNIT: 3635

FOR: SIDING BOARD FOR
CLAPBOARD BOARDING
AND A CLAPBOARD
BOARDING STRUCTURE

:

PETITION UNDER 37 C.F.R. §1.181(a)

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

37 C.F.R. § 1.181(a)(3) allows petition to invoke the supervisory authority of the Commissioner in appropriate circumstances. The Applicant hereby requests the withdrawal of the holding of abandonment of the present application.

As noted in MPEP711.03(c) I., “[w]here an applicant contends that the application is not in fact abandoned ..., a petition under 37 CFR 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action, and such petition does not require a fee.”

In the present application, a final Official Action was mailed on January 27, 2005. In response to the final Official Action, an Amendment After Final was filed on April 27, 2005. An Advisory Action was then mailed on May 16, 2005, which indicated that the amendments

Application Serial No.: 10/753,338
Morimichi WATANABE

in the Amendment After Final would not be entered. Accordingly, the Applicant filed on May 27, 2005, a Request For Continued Examination (RCE) and a Request for a one month extension of time with the appropriate fee. The RCE included a submission as required under 37 CFR 1.114, which included (1) the consideration of the previously submitted Amendment After Final filed on April 27, 2005, and (2) an Amendment submitted concurrently with the RCE on May 27, 2005. The Applicant has submitted concurrently herewith a copy of the date stamped postcard and corresponding documents, which constitute *prima facie* evidence of the filing of the RCE, the Request for the one month extension of time, and the Amendment all of which were timely filed on May 27, 2005.

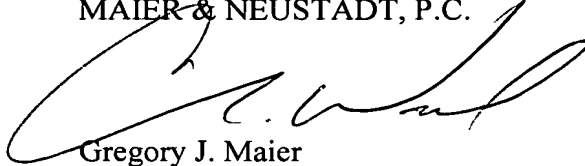
The Applicant received a Notice of Abandonment dated January 26, 2006, which indicated that no reply has been received by the Patent Office to the Office letter dated May 16, 2005. As noted above, the Applicant did submit a timely and proper response on May 27, 2005, as evidenced by the date stamped postcard submitted herewith, and therefore the Applicant respectfully requests the withdrawal of the holding of abandonment of the present application.

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Morimichi WATANABE

It is respectfully requested that this petition under 37 C.F.R. § 1.181 be granted and the holding of abandonment be withdrawn and the documents submitted on May 27, 2005, be promptly considered.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

A handwritten signature in black ink, appearing to read 'G. Maier', is written over the printed name of Gregory J. Maier.

Gregory J. Maier
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Attorney of Record

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(OSMMN 10/01)

GJM:CDW:brf

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